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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,265	03/01/2004	Richard S. Belliveau		3515

7590 08/26/2005
Mr. Walter J. Tencza Jr.
Suite 3
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EXAMINER

SEVER, ANDREW T

ART UNIT PAPER NUMBER

2851

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,265

Applicant(s)

BELLIVEAU, RICHARD S.

Examiner

Andrew T. Sever

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-9 and 32-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-9 and 32-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizushima et al. (US 5,988,817) in view of Karlock (US 6,172,716.)

Mizushima teaches in figures 2a and 6 an apparatus comprising:

An image projection lighting device (7, 5, and 1) comprising:

A base housing (7) in which is located an electrical component;

A yoke (5);

A communications port (it is obvious that there is a port for receiving the signal from the microprocessor, see figure 6);

A processor (91, 93 and other parts see figure 6);

A memory (part of part 93, a personal computer inherently has memory (see US 5,982,363 to Naiff in column 4 lines 31-42 and US 5,913,072 to Wieringa which teaches in figure 3 that PCs involved in graphics applications include memory 70.)

A lamp housing (1);

Wherein the lamp housing can be remotely positioned in relation to the base;

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Wherein the following is located within the lamp housing:

A lamp, and

A first light valve.

(See column 3 lines 36-41 which teach the lamp can be pivoted. See column 8 line 64 through column 9 line 3 which teaches the use of an LCD (light valve).

Mizushima does not specifically teach that the communications port receives a black level command (however as taught in column 8 line 64 through column 9 line 3, black level is adjusted by the projector) or how this command is made and executed in the image. Karlock teaches in figure 1 a video processing circuit which adjust black level for projection purposes see column 1. Mizushima teaches that in an image projection lighting device which has a liquid crystal light valve, by using such a black level modifying circuit as Karlock to modify the image data sent to the liquid crystal light valve improved black level is obtained with the elimination of the need for a blackout shutter (see column 9 lines 1-3.) Accordingly it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a video processing circuitry which among other things adjust black level as is taught by Karlock in the image projection light device of Mizushima.

With regards to applicant's claim 7:

The PC provides image control. See column 12 lines 13-34.

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With regards to applicant's claim 8:

Karlock teaches clipping indicators which obviously implies that clipping occurs; see column 10 lines 22-32.

With regards to applicant's claim 31:

See above with regards to applicant's claims 6 and 7.

With regards to applicant's claim 33:

See the paragraph of Karlock, which starts in column 4 line 66 and ends in column 5 line 13.

With regards to applicant's claims 34-35:

See above with regards to the specifics of what the processor specifically does see *In re Schreiber* (44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997)) and *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990).

3. Claims 9, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizushima in view of Karlock as applied to claims 6-8, and 32-34 above, and further in view of Easterly et al. (US 4,912,558.)

As described in more detail above Mizushima in view of Karlock teach an image projection lighting device which among other things includes a processor for performing

black level adjustments on the video signal which including clipping the image data.

Mizushima in view of Karlock do not, however, specifically teach how much clipping is done. Easterly teaches an image data adjusting apparatus, which adjusts, black level through clipping. In column 3 lines 27-68 Easterly teaches clipping (clipping is defined in the video arts, as removing or adjusting levels of in this case black level of the video signal) the digital signal by 10% of maximum value. Easterly teaches in column 3 lines 9-26 that such clipping allows for the signal to be adjusted to eliminate noise and other problems associated with the image capture device, when using the video signal to display a captured image, allowing for higher contrast and improved black level as compared to using an un-modified signal from a sensor (such as a CCD in a digital camera). Accordingly it would have been obvious to one of ordinary skill in the art at the time the invention was made to use at least 10% clipping in the apparatus of Mizushima in view of Karlock as taught by Easterly.

Response to Arguments

4. Applicant's arguments filed 6/23/2005 have been fully considered but they are not persuasive.

Applicant has amended or introduced independent claims adding the limitation that the apparatus additionally includes memory and also has further functionality with regards to image data and black level command. With regards to the addition of the memory, PC

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(personal computers) generally include at least one form of memory and in the case of Wieringa more than one, since applicant's claim does not claim where the memory resides, Mizushima continues to read over the independent claims. With regards to the function of the processor adjusting the black level in a specific manner, applicant is directed to MPEP 2114, which states "Apparatus Claims Must Be Structurally Distinguishable From The Prior Art" and also states "Manner Of Operating The Device Does Not Differentiate Apparatus Claim From The Prior Art". Accordingly applicant new functional language is irrelevant, Mizushima teaches all the claimed structure while Karlock provides a teaching of a method that Mizushima could perform for adjusting black level in an image data signal. Accordingly applicant's arguments are found unpersuasive and the rejection has been repeated and made final.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Sever whose telephone number is 571-272-2128. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AS

William Perkey
Primary Examiner